

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION No.4786 of 2016

DATE: 30.09.2016

Between:

Bharanikana Padmavathi and another

....Petitioners

and

Vujji Bhaskara Satya Vara Prasad and others

....Respondents

COUNSEL FOR THE PETITIONERS : Mrs. T.V. Sridevi

COUNSEL FOR THE RESPONDENTS : ----



THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY**CIVIL REVISION PETITION No.4786 of 2016****ORDER:**

This Civil Revision Petition arises out of order, dated 01.07.2016 in I.A.No.108 of 2016 in O.S.No.9 of 2016 on the file of X Additional District & Sessions Judge, Visakhapatnam at Anakapalli.

Respondents 1 and 2 filed the afore-mentioned suit for specific performance of Ex.A.1 – agreement of sale. During the course of evidence, the petitioners, who are defendants 2 and 3, have produced Ex.B.1 – photo copy of sale agreement. In order to show that the endorsement of payment by the plaintiffs marked as Ex.A.2 was manipulated by adding the figure '3' before the figure '5'. Respondents 1 and 2 have filed I.A.No.108 of 2016 for receiving a document in the form of CD prepared by the proposed witness and permitted to be examined as P.W.4. The said application was opposed by P.W.4. However, by order, dated 01.07.2016, the lower Court allowed the said application.

Smt. T.V.Sridevi, learned counsel for the petitioners strenuously contended that the proposed witness is only an Advocate clerk and not expert in the field and therefore, his evidence has no relevance on the issue before the Court as to whether Ex.A.2 was

manipulated or distorted or not. In my opinion, by permitting the respondents to examine the proposed witness by marking a CD, no harm is caused to the interest of the petitioners. Grant of such permission should not be understood as the Court accepting the authenticity of the CD or the evidence that may be given by the proposed witness as true and correct. If the CD is not authentic or the proposed witness has no expertise and his evidence has no value in law, the petitioners are always entitled to put all the relevant questions and elicit answers in the cross-examination of the proposed witness. The Court, which is charged with the duty of adjudication of the *lis* comprehensively, is entitled to allow all such evidence as it finds relevant to come on record subject to its admissibility so that it can eventually appreciate the evidence and accept only such of the evidence which is admissible in law. In this view of the matter, by merely permitting the CD to be marked and the proposed witness to be examined, it cannot be presumed that the Court has accepted the version of the respondents with regard to the authenticity or otherwise of either Ex.A.2 or Ex.B.1. It is however made clear that the petitioners are entitled to raise all legally permissible objections to the relevancy, admissibility and proof of the CD produced by the respondents.

Subject to the above observations, this Civil Revision Petition is dismissed.

As a sequel to dismissal of Civil Revision Petition, CRP.MP.No.6228 of 2016 filed by the petitioners stand dismissed as infructuous.

C.V. NAGARJUNA REDDY, J

30th SEPTEMBER, 2016.

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